

REMARKS

Claims 1–23 are pending before the present amendment. Claims 21–23 are withdrawn without prejudice. Claims 24–26 are added to further define the invention. Claims 6–14 and 17 are allowed. Claims 3–5 stand objected to. Claims 1, 2, 15, 16, and 18–20 stand rejected.

Applicants gratefully acknowledge allowance of claims 6–14 and 17.

The Drawings Show Every Feature of the Invention Specified in the Claims

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings assertedly do not show the rail car, air cargo hold, boat cargo hold, cargo container for air transport, ocean transport, or rail transport of claim 1. Applicants respectfully submit that Figures 4, 5, and 6 illustrate the interior of a container in accordance with the present invention. See, for example, specification, paragraphs 13–15.

The container illustrated is “any transportation container, including a trailer, a rail car, an air cargo hold, a boat cargo hold, or a cargo container for air transport, ocean transport, road transport, or rail transport, or transport by any other vehicle or manner. The transportation container may be placed into another transportation container, such as a container placed into a cargo hold, of the container may be the cargo hold itself.” Specification, paragraph 16. Thus, it is respectfully submitted that the structural detail that is of sufficient importance to be described with respect to the containers delineated in claim 2, dependent from claim 1, is found in the existing Figures. MPEP § 608.02(d). The external appearance of the container is not of sufficient importance to be illustrated for every embodiment.

The Office Action asserts that the rod lock, cable tie, cable seal, bolt seal, lead and wire seal or combination thereof of claim 6 are not shown in the drawings. Applicants respectfully submit that designation of the locks 42 in Figures 4, 5, and 6 provide the structural detail that is of sufficient importance to be described. As identified in the specification at paragraphs 26 and 36, the locks may be of any suitable design. The external appearance of the lock is not of sufficient importance to be illustrated for every embodiment.

The Office Action asserts that the means for identifying the lock has not been unlocked, removed, or breached of claim 19 is not shown in the drawings. Applicants respectfully submit

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that element 46 in Figure 6 identifies a notification attached to the bulkhead on which is placed identifying information regarding the locks 42. Specification, paragraph 37. As set forth in the specification at least at paragraphs 36, 37, and 43, this identifying information is used to identify that the locks have not been removed. Applicants respectfully submit that this structure, material, and acts, and equivalents thereof, support the claimed element in claim 19.

Applicants respectfully submit that all of the elements of the claims of the present application are shown in the drawings of the application and respectfully request withdrawal of the objection under 37 C.F.R. § 1.83(a).

The Specification is Corrected

The Office Action identifies that paragraph 24 incorrectly identifies bars 34, 40, instead of bars 32, 40. A substitute paragraph is provided above to make this correction.

Claim 19 is a Definite Claim

The Office Action rejects claim 19 under 35 U.S.C. § 112, second paragraph, as assertedly indefinite. The Office Action asserts that “means for identifying” and “means for verifying” are unclear. Further, the Office Action notes that “if one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language.”

Applicants respectfully submit that structure, material, or acts corresponding to means for identifying the lock is found at least in paragraphs 36 and 37 wherein the serial number or other identifying information for the locks 42 is noted and recorded on the notification 46. And structure, material, or acts corresponding to the recited means for verifying that the at least one lock has not been unlocked, removed, or breached is found at least in paragraphs 36 and 43 wherein the recorded information for the lock 42 at the origin is compared against the lock 42 present at the destination.

Thus, Applicants respectfully request that the rejection based on indefiniteness be withdrawn.

The Claims of the Present Application are not Anticipated by Page '747

Claims 1, 2, 15, 16, and 18–20 are rejected under 35 U.S.C. § 102(b) as assertedly anticipated by U.S. Pat. No. 1,052,747 to Page. Applicants respectfully traverse this rejection.

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The Office Action asserts that Page '747 discloses at least one lock for securing the temporary divider against unauthorized removal. Applicants respectfully submit that the locking means in Page '747 does not secure the divider against unauthorized removal. The locking means of Page '747 is "provided to secure the partition in any desired transverse position in the car." Page 1, lines 37–39. As illustrated in Figures 1 and 3, the locking means is present on the face of the partition and is openly accessible. There are no features that prevent one from manipulating the locking mechanism and removing the partition—with or without authority. Page 1, lines 33–73. The locking means of Page '747 is merely for placement of the partition, and not for prevention of unauthorized removal. This element of claim 1 of the present application is not present in Page '747.

The Office Action asserts that Page '747 discloses "access to the cargo in the first compartment is prevented without first removing the at least one lock and the temporary divider" as claimed in claim 1 of the present application. Applicants respectfully submit that access to the cargo in the compartment behind the partition in Page '747 is not prevented without removing the lock and the temporary divider. Access to the compartment behind the partition in Page '747 is provided via the side parts or gates c and d. Page 1, lines 74–82. Movement of the bolts of the locking means permits "the side parts or gates perfect freedom to be swung full open." Page 1, lines 80–82. This permits access to the compartment behind the partition without removing the partition and lock.

The element of claim 1 of the present application that recites "access to the cargo in the first compartment is prevented without first removing the at least one lock and the temporary divider" is not present in Page '747.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP § 2131; *see also Ex parte Levy*, 17 USPQ2d 1461, 1462 (Bd. Pat. App. & Int. 1990). Where there are differences between the referenced disclosure and the claim, a rejection under § 102 is improper. *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 780 (Fed. Cir. 1985). "Moreover, it is

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incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Levy* at 1462.

Page '747 does not disclose every element of claim 1 of the present application. There are differences between Page '747 and claim 1. Applicants respectfully submit, therefore, that a rejection of claim 1 under § 102 is improper and respectfully request withdrawal of the rejection.

With regard to claim 19, Page '747 does not disclose, suggest, or even hint at means for identifying the at least one lock and means for verifying that the at least one lock has not been unlocked, removed, or breached, as recited in claim 19 of the present application and discussed above. Because these elements are not disclosed in Page '747, rejection of this claim as anticipated by Page '747 is improper and Applicants respectfully request withdrawal of this rejection.

Claims 15, 16, 18, and 20 are amended to include a single-use lock, as described, for example, in paragraphs 27, 36, and 43 of the present application. Page '747 does not disclose, suggest, or even hint at use of a lock that can only be used once.

Dependent claims are respectfully submitted to be allowable as depending from allowable independent claims, as well as being allowable on their own merits.

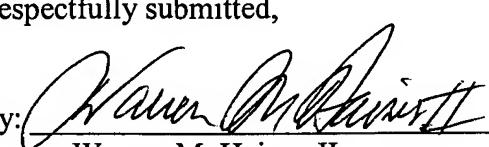
Claims 19 and 20 also have an editorial amendment to include the word "and." This amendment does not narrow claim 19 or 20.

Conclusion

Claims 1–20 and 24–26 are now pending in the application. Applicant gratefully acknowledges allowance of claims 6–14 and 17 and allowability of claims 3–5. In view of the above remarks and amendments, it is submitted that claims 1–20 and 24–26 are all in condition for allowance. Prompt notice of allowance of all pending claims is respectfully requested.

Respectfully submitted,

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